IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital the April 04th , 2006
Criminal Misc. Bail Application No. 147 of 2006
Order on the bail application of accused

CRIMINAL SIDE

1. Than Singh S/o Shri Kishan Singh
2. Bhuraj Singh S/o Shri Nain Singh
   Patti Sundar Khal
   Tehsil Dhari
   District Nainital .....Applicant

Versus

State of Uttaranchal ....Opposite Party

Arising out of case crime No. 01/2005
Under Sections 376 & 392 IPC
Patti Poorvi Agar Tehsil Dhari
District – Nainital

Hon'ble J.C.S. Rawat, J.

Heard Sri R. S. Sammal learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. According to the prosecution version, the prosecutrix has lodged an FIR on 26.01.2006 alleging therein that she was caught by the accused and thereafter they administered liquor to the victim and took her on the vehicle. Thereafter she was raped by the applicant on 26.01.2006 at about 4:30 p.m. and the accused persons have also looted Rs.2000/- from her possession. The accused persons had been nominated in the FIR. The medical of the prosecutrix was conducted on 29.01.2006 after a lapse of three days. As such, the medical report does not show the recent sign of rape upon the victim. The victim has corroborated the factum of incident under the statement record under section 164 Cr.P.C. There is no enmity between the victim and the accused person. There is no reason to disbelieve the version of the prosecutrix at this stge. Considering the facts and circumstances of the case there is no good ground for bail. Therefore, the bail application is hereby rejected. Rejected.

(J.C.S. Rawat, J.)

Dated 04.05.2006
LSR